

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11675 RGS

\_\_\_\_\_  
PRO CON, INCORPORATED,

Plaintiff,

v.

\_\_\_\_\_  
VALLEY FORGE INSURANCE COMPANY,

Defendant.  
\_\_\_\_\_

**ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), the defendant, Valley Forge Insurance Company ("Valley Forge"), with the assent of the plaintiff, Pro Con, Incorporated ("Pro Con"), moves for an extension of time to and including September 30, 2004, to serve an answer or otherwise plead in response to the complaint brought against it in this lawsuit. In support hereof, Valley Forge states as follows:

1. This matter was commenced by the filing of a Complaint in the United States District Court for the District of Massachusetts on July 28, 2004.
2. Valley Forge, through the Insurance Commissioner for the Commonwealth, was served with a copy of the complaint on August 11, 2004. Pursuant to prior agreement of the parties, Valley Forge's time to respond the complaint in this action was extended to and including September 30, 2004.

3. The parties are now engaged in global settlement negotiations that, if successful, would resolve the issues raised in this matter as well as matters raised in related proceedings commenced in New Hampshire.

4. The parties have agreed to stay all litigation and other proceedings until October 15, 2004 to allow further settlement discussions.

5. Similar documentation is being filed in the appropriate court in New Hampshire.

6. Counsel for Pro Con has been contacted and assents to the relief requested herein.

7. The respective clients have been contacted and concur with the relief requested herein.

WHEREFORE, Valley Forge respectfully requests that this Court:

- A. Extend the time for Valley Forge's answer or responsive pleading herein until and including October 15, 2004; and
- B. Grant such further relief as is just.

VALLEY FORGE INSURANCE COMPANY

By its Attorneys,

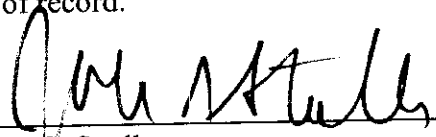
  
John S. Stadler (BBO # 548485)

Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110-2131  
(617) 345-1000

Dated: September 16, 2004

**CERTIFICATE OF SERVICE**

I certify that on this 16<sup>th</sup> day of August 2004, a true and correct copy of the foregoing document was served by first class mail on all counsel of record.

  
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John S. Stadler